

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RORY M. WALSH,	:	CIVIL ACTION NO. 1:05-CV-0818
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
THE UNITED STATES OF AMERICA, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 22nd day of June, 2005, upon consideration of plaintiff's motion (Doc. 3) for "approval of service on defendant by publication" and for an "extension of date by which service must be effectuated," in which plaintiff asserts that the defendant identified in the complaint as "Maj. Gen. Jerry D. Humble" has "successfully avoided service [of process] by personal delivery," and it appearing that the motion is not accompanied by an affidavit "stating the nature and extent of the investigation which has been made to determine the whereabouts of the defendant and the reasons why service cannot be made," see P.A. R. Civ. P. 430(a); see also *Grove v. Guilfoyle*, 222 F.R.D. 255, 256-57 (E.D. Pa. 2004) (discussing requirement that plaintiff exhaust all "reasonable methods" to locate and serve defendant before requesting leave to effect service by publication); FED. R. CIV. P. 4(e) (permitting service to be effected "pursuant to the law of the state in which the district court is located"), it is hereby ORDERED that:

1. Plaintiff shall file, on or before July 1, 2005, an affidavit stating with particularity the nature and extent of the investigation that has been made to determine the whereabouts of the defendant identified in the complaint as "Maj. Gen. Jerry D. Humble" and the reasons why service cannot be made. See PA. R. CIV. P. 430(a).
 - a. The affidavit shall be signed under penalty of perjury. See 28 U.S.C. § 1746.
 - b. Failure to comply with this order will result in the motion being deemed withdrawn.
2. Plaintiff shall effect service of process on the defendant identified in the complaint as "Maj. Gen. Jerry D. Humble" on or before September 1, 2005. See FED. R. CIV. P. 4(m).

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge